

Atty Docket No. 023070-138220US

PTO FAX NO.: (703) 872-9306

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CENTRAL FAX CENTER**ATTENTION: Examiner Dave Nguyen
Group Art Unit 1632

DEC 04 2003

**OFFICIAL COMMUNICATION
FOR THE PERSONAL ATTENTION OF
EXAMINER DAVE NGUYEN**

CERTIFICATION OF FACSIMILE TRANSMISSION

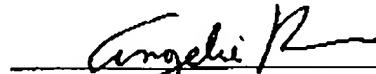
I hereby certify that the following documents, in re Application of Michael German *et al.*, Application No. 09/811,323, filed March 16, 2001, for DELIVERY OF THERAPEUTIC GENE PRODUCTS BY INTESTINAL CELL EXPRESSION, is being transmitted via facsimile to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Transmittal Form
2. Fcc Sheet
3. Communication
4. Terminal Disclaimer Form PTO/SB/26

Number of pages being transmitted, including this page: 5

Dated: December 4, 2003

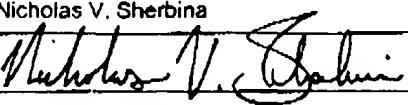

Angelie Rivera

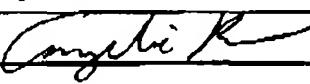
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TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (206) 467-9600
Fax: (415) 576-0300
60094148 v1

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/811,323
		Filing Date	March 16, 2001
		First Named Inventor	Michael German et al.
		Art Unit	1632
		Examiner Name	Dave Nguyen
Total Number of Pages in This Submission	5	Attorney Docket Number	023070-138220US

ENCLOSURES (Check all that apply)					
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Return Postcard and Communication</div>			
		Remarks			
		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Townsend and Townsend and Crew LLP Nicholas V. Sherbina	
	Reg. No. 54,443	
Signature		
Date	December 4, 2003	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office, Fax No. (703) 872-9306 on December 4, 2003.			
Typed or printed name	Angelie Rivera		
Signature		Date	December 4, 2003

60094226 v1

PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 55

Complete if Known	
Application Number	09/811,323
Filing Date	March 16, 2001
First Named Inventor	Michael German et al.
Examiner Name	Dave Nguyen
Art Unit	1632
Attorney Docket No.	023070-138220US

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid

Independent Claims			
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	** Relissue independent claims over original patent
1205	18	2205	9	** Relissue claims in excess of 20 and over original patent

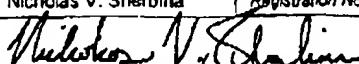
SUBTOTAL (2)

(\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)					
Large Entity	Small Entity	Fee Description	Fee Paid		
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or cash	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (timea number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination or a design application	
Other fee (specify)				Statutory Disclaimer Fee	55.
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	(\$55

SUBMITTED BY

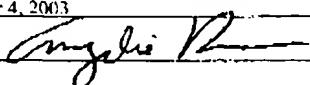
Name (Print/Type)	Nicholas V. Sherina	Registration No. (Attorney/Agent)	54,443	Telephone	206-487-9600
Signature				Date	December 4, 2003

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By: 

PATENT
Docket No.: 023070-138220US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael German *et al.*

Application No.: 09/811,323

Filed: March 16, 2001

For: DELIVERY OF THERAPEUTIC
GENE PRODUCTS BY
INTESTINAL CELL EXPRESSION

Examiner: Dave Nguyen

Art Unit: 1632

COMMUNICATION

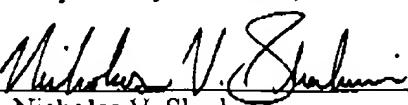
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

During an interview with Examiner Dave Nguyen on December 3, 2003, it was noted that a reference to U.S. Patent No. 6,225,290, issued on May 1, 2001, was inadvertently omitted from the previous Terminal Disclaimer filed on March 7, 2003. Therefore, we are submitting herewith a second Terminal Disclaimer which references U.S. Patent No. 6,225,290. Applicants respectfully request that the attached Terminal Disclaimer be entered.

Respectfully submitted,

Dated: December 4, 2003

By: 
Nicholas V. Sherbina
Reg. No. 54,443

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